

Remarks

This is in response to the Office action dated March 11, 2005, in which claim 10 was rejected under 35 U.S.C. §112, second paragraph; claims 1-3, 5, 6, 8 and 9 were rejected under 35 U.S.C. 102(e) due to the S&H Enterprises publication; claims 1, 3, 5-8 and 10 were rejected under 35 U.S.C. §103(a) due to Forston (U.S. 6,457,772) in view of the S&H Enterprises publication and Manne (U.S. 2,807,315); and claim 4 was found allowable, if rewritten in independent form including all elements of the claims on which it was dependent.

The applicant is appreciative of the indication of allowable subject matter. With this amendment, the applicant has canceled claims 1 and 2 and amended claims 3-10. The applicant believes that the pending claims are in condition for allowance, and respectfully requests that the examiner allow claims 3-10 in light of the amendments and the following remarks.

Claim 4 Is In Allowable Form

Claim 4 has been amended according to the examiner's indication for allowability. Specifically, claim 4 has been amended mainly to include the elements of base claim 1 and intervening claim 2, on which claim 4 was dependent. Therefore, the applicant believes claim 4 is in condition for allowance, and respectfully requests that claim 4 be allowed.

Claims 3 And 5-7 Are Dependent On Claim 4

Claims 3 and 5-7 have been amended, and now depend on claim 4, which is in a form compliant with the examiner's indication for allowability. Since claims 3 and 5-7 add additional limitations to subject matter that has been indicated

as allowable, along with further substantial inventive elements, the applicant believes claims 3 and 5-7 are also in allowable form, and respectfully requests that claims 3 and 5-7 be allowed.

Claims 8 And 9 Have Been Amended

Claim 8 has been amended to include additional subject matter, some of which shares substantive similarity to the limitations of claim 4, as it has been indicated to be allowable. The applicant believes that these inventive elements, among other inventive subject matter of claim 8, place claim 8 in condition for allowance. While claim 8 was rejected under §102 due to the S&H Enterprises publication, and under §103 due to the combination of Forston, the S&H Enterprises publication, and Manne, claim 4 was indicated as allowable over these same references. The applicant believes that claim 8 is not anticipated by the S&H Enterprises publication or obvious due to the combination of Forston, the S&H Enterprises publication, and Manne, at least due to the subject matter now incorporated into claim 8 similar to that included in the allowable claim 4. Claim 9 is dependent on claim 8, and has also been amended and defines additional inventive elements beyond the subject matter believed to be allowable in claim 8. The applicant therefore respectfully requests that claims 8 and 9 be allowed.

Claim 10 Has Been Amended

Claim 10 has been amended. The applicant believes that the amended claim 10 resolves the rejection under §112, ¶2. Claim 10 was also rejected under §103 due to the combination of Forston, the S&H Enterprises publication, and Manne. In the applicant's previous response, dated December 15, 2004, the applicant discussed aspects of claim 10 that apparently are not

taught or suggested by the references - at that time only Forston and Manne. For example, the applicant remarked that there had not been an explanation of how Forston or Manne could have taught or suggested end support members having generally vertical walls that are inclined from a maximum width adjacent a lower edge to a minimum width adjacent a top of the holder. These elements are simply not disclosed or suggested in Manne or Forston. Nor are these elements of claim 10 taught or suggested by the S&H Enterprises publication or by a combination of the references. The current Office action of March 11, 2005 does not include a response to these particular remarks from the applicant's previous response; nor does the current Office action make mention of how the combined references might render obvious these elements of claim 10.

The applicant believes that these elements of claim 10 are in fact not taught or suggested by the combined references, and further, that these elements of claim 10 are inventive and worthy of allowance as a patent claim. The application demonstrates how aspects of claim 10, such as the end support members having generally vertical walls that are inclined from a maximum width adjacent a lower edge of the holder to a minimum width adjacent a top of the holder, provide advantageous utility in embodiments of the holder. Advantageous attributes such as those of claim 10 are not to be found in Manne, which includes no attempt at combining bumpers or end supports with a mechanism for providing a level top surface, or of spreading out the contact surfaces between a holder and engaged chair backs over a greater area than that of the two small bumpers taught by Manne. Forston also does not teach end supports protruding from the accessory housing and engaging the chair back surfaces, as noted by the examiner; nor does the S&H Enterprises publication teach all the elements of claim 10. The applicant thereby believes that claim 10 defines novel and non-obvious subject matter that has not been

shown to be suggested by the combined prior art and for which allowance would be appropriate. The applicant therefore respectfully requests that claim 10 be allowed.

The Applicant Respectfully Requests Allowance Of Claims 1-10

The above remarks are illustrative of distinctive and substantial differences in structure and function of the pending claims over the cited references, rendering the present claims novel and not obvious in light of the cited references. The applicant therefore respectfully requests that the Examiner allow claims 3-10 as amended.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:



Bryan F. Erickson, Reg. No. 51,655
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312